

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROBERT DAVID MALONE, #175140,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 1:06cv248-WHA
)
SOUTHEAST ALABAMA MEDICAL)
CENTER, et al.,)
)
Defendants.)

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #6), entered on April 14, 2006, and the Objection of the Plaintiff, Robert David Malone (Doc. #7), filed on April 26, 2006. The Magistrate Judge recommended that this case be dismissed for lack of subject matter jurisdiction. Upon an independent evaluation and *de novo* review of this matter, the court agrees that the Complaint does not allege subject matter jurisdiction in this court, since the Complaint alleges neither a federal claim nor diversity jurisdiction. Therefore, the Objection is OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this case is DISMISSED for lack of subject matter jurisdiction.

DONE this 16th day of May, 2006.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE